

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

OTTO COLEMAN,

Petitioner,

-v-

WARDEN, Warren Correctional Institution

Respondent.

Case No. 3:15-cv-026

**Judge Thomas M. Rose
Magistrate Judge Michael R. Merz**

ENTRY AND ORDER OVERRULING COLEMAN'S OBJECTION (Doc. #5) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #4); DISMISSING COLEMAN'S PETITION FOR A WRIT OF HABEAS CORPUS WITH PREJUDICE; DENYING A CERTIFICATE OF APPEALABILITY; CERTIFYING THAT ANY APPEAL WOULD BE OBJECTIVELY FRIVOLOUS AND TERMINATING THIS CASE

Pro se Petitioner Otto Coleman ("Coleman") has filed a Petition for a Writ of Habeas Corpus. Upon initial review pursuant to Rule 4 of the Rules Governing § 2254 cases, Magistrate Judge Michael R. Merz issued a Report and Recommendations (doc. #4) recommending that Coleman's Petition be dismissed with prejudice, that Coleman be denied a certificate of appealability and that the Court certify to the Sixth Circuit that any appeal of this Order would be objectively frivolous.

Coleman objected (doc. #5) to the Report and Recommendations. The Warden has not yet appeared and thus has not been served with Coleman's Objections. This matter is, therefore, ripe for decision.

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court

finds that Coleman's Objections to the Magistrate Judge's Report and Recommendations are not well-taken, and they are hereby OVERRULED. The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Coleman's Petition for a Writ of Habeas Corpus is dismissed with prejudice. Further, Coleman is denied a certificate of appealability and any appeal of this matter would be objectively frivolous. Finally, the captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio this Ninth Day of April, 2015.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Otto Coleman at his last address of record